



കേരള സർക്കാർ
Government of Kerala
2014



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2012-14

തിരുവനന്തപുരം KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART III

Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1-86157/2006.

22nd May 2014.

In exercise of the powers conferred by Article 225 of the Constitution of India and section 122 of the Code of Civil Procedure, 1908 and of all other powers hereunto enabling it in this behalf, the High Court of Kerala, after previous publication in the Kerala Gazette No. 25, Volume LVII, dated 19th June, 2012 as Notification No. D1-86157/2006 dated 25th May, 2012, no objections or suggestions having been received thereon and with the previous approval of the Governor of Kerala vide G. O. (Rt.) No. 1559/2013/Home, dated 10th June, 2013, hereby makes the following further amendment to the Rules of the High Court of Kerala, 1971, namely:—

AMENDMENTS

In the Rules of the Hight Court of Kerala, 1971,—

- in Rule 19, the existing sub-rule (4) shall be renumbered as sub-rule (5) and before sub-rule (5) as so renumbered, the following sub-rule shall be inserted, namely:—

“(4) The execution of vakalath other than those covered by sub-rule (3) shall be made in the presence of at least one witness. When a registered clerk signs as witness to the execution of a vakalath, he shall affix his full signature and legibly write his name along with the register number allotted to him from the Registry of the High Court”;

- for rule 41, the following shall be substituted, namely:—

“41. *Papers to be filed with memoranda of appeals*:—Every memorandum of appeal shall be accompanied by the following documents, namely:—

- Certified copy of the judgement or order appealed against.
- Duly authenticated copy of petition, affidavit including reply affidavit and annexures thereto, in the case of Company Appeals.
- Duly authenticated copy of the Writ Petition/ Original Petition, affidavits including counter and reply affidavits and statements, if any, filed in the Writ Petition/Original Petition and annexures thereto, in the case of Writ Appeals.

- (d) As many clear authenticated copies of the memorandum of appeal as there are respondents to be served, two additional copies with the documents mentioned in clauses (a), (b) and (c) for the use of the Court and in appeals where the State is a respondent, two more copies for the use of that respondent.
- (e) Such papers as are referred to in the Code with regard to Appeals.
- (f) The fees prescribed for service of notice on the respondent.
- (g) The particulars for service as set out in Form No. 3.

Provided that in the case of a memorandum of appeal presented after the expiration of time limited by law, or memorandum of appeal presented in forma pauperis, the fees for the service of notice of the appeal may be paid within seven days of the final order of the Court excusing the delay or granting leave to file the said proceeding in forma pauperis, as the case may be :

Provided further that one of the additional copies filed for use of the Court shall be in ledger paper”;

- (iii) in Chapter IV, after rule 51, the following rule shall be inserted, namely:—

“51A. *Letter instead of notice in certain cases*— notwithstanding anything contained herein above, the Registry under the orders of the Honourable Chief Justice or the Judge concerned may substitute for a notice, a letter signed by the Registrar or such officer as the Chief Justice may appoint in this behalf, where the respondent is in its opinion of a rank entitling him to such mark of consideration and issued in the case in his official capacity. The letter shall contain all the particulars required to be stated in a notice and shall be treated in all respects as a notice”;

- (iv) in rule 129, in the second sentence after the word “judgements” the words “ and decrees” shall be inserted ;
- (v) in Chapter XI, for the existing title, the following title shall be substituted namely:—

“PROCEEDINGS UNDER ARTICLES 226, 227 AND 228 OF THE CONSTITUTION”;

- (vi) in rule 145, for the words “or under both”, the words and figures “or under Article 228”, shall be inserted ;
- (vii) in rule 148A, after the words and figures “An application under Article 226 or 227”, the words and figures “or 228” shall be inserted ;
- (viii) in sub rule (2) of rule 150, after the words and figures “Any motion for interim relief at the time of admission may be made in the application

under Article 226 or 227”, the words and figures “or 228”, shall be inserted;

- (ix) after rule 157, the following rule shall be inserted, namely:—

“157 A. *Transmission of order of costs for execution*—Where costs have been awarded by the Court in a proceeding to which these rules apply or an appeal therefrom but have not been paid, the person entitled to such costs may apply to the Court for execution of the order. The application shall be accompanied by an affidavit stating the amount of costs awarded and the amount remaining unpaid. The Court may direct the order to be sent to the District Court of the District in which the order is to be executed. The order may be executed by such court as if it is a decree for costs passed by itself or transferred for execution to any subordinate Court”.

By order,

S. JAGADEES,
Registrar General.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Instances have come to the notice of the High Court that the vakalatnamas are executed and filed in the High Court in a manner not conducive for identifying and reaching out at unlawful practices. The High Court after considering the matter in all its detail, decided to bring in appropriate amendments to rule 19 of the Rules of the High Court of Kerala. The existing rules do not provide for the production of certified copy of the impugned order and copy of Original Petition along with the Memorandum of Appeal. Rule 41 is amended to overcome the shortcoming. There is no rule corresponding to Order V, Rule 30 of the Code of Civil Procedure, 1908 in the Rules of the High Court of Kerala, 1971. This has often created difficulty while issuing notice to various dignitaries. The object of inserting rule 51A is to enable the High Court to issue letters in lieu of notice to certain dignitaries in proceedings in which they are made parties. Rule 129 of the Rules of the High Court of Kerala, 1971, enables to provide copies of judgements even to third parties without the orders of the court. Rule 129 is amended as it is felt that the provision applicable to judgements shall be extended to decrees also, so that individual applications for issuance of copies of decrees need not be sent to the Bench for orders. Chapter XI of the Rules of the High Court of Kerala, 1971 mentions the procedure with respect to the proceedings filed under Article 226 and 227 of the Constitution of India. But there is no provision in the said Rules with respect to a petition filed under Article 228 of the Constitution. The High Court of Kerala in its order dated 22-8-2011 in an unnumbered Original Petition has highlighted the necessity

of such a rule. The object of amending Rules 145, 148A and 150 is to lay down the procedure with respect to petitions filed under Article 228 of the Constitution. The existing rules do not contain provisions for realisation of costs awarded by the High Court in Writ Petitions, where it remains unpaid. The High Court in CRP 747/2008, while dealing with such an issue had observed that an execution petition for the execution of the order for payment of costs passed by the High Court cannot be entertained by a civil court, unless the High Court issues a specific direction to that effect and that it is expedient to frame specific rules to facilitate the execution of such orders. Rule 157 A is inserted to achieve this objective.

The notification is intended to achieve the above object.

Proceedings of the Chief Judicial Magistrate, Kottayam

(Present:—Smt. V. S. Bindhukumari, M. A., LL. M.,
Chief Judicial Magistrate)

Sub :—Judicial Department—Transfer and posting of
Judicial Officers—Defining jurisdiction—
Notification issued.

Read:—High Court Order No. B1-59/14 (3) dated
29-4-2014.

Notification No. E-3042/2014 dated 19-5-2014

In exercise of the powers conferred upon the undersigned u/s. 14(1) Cr. P. C. (Central Act 2 of 1974) the Chief Judicial Magistrate, Kottayam, hereby defined

the area shown in Col. II of the schedule hereto attached as the local area within which the Magistrates mentioned in Column I have jurisdiction. This order will take effect from the date of their joining of duty.

<i>Name and Designation of the Magistrate</i>	<i>Area of jurisdiction</i>
I	II
1. Shri Udayakumar, V, JMFC- Changanacherry	1st and 2nd class jurisdiction over the area comprised within the limits of Vakathanam, Karukachal and Thrikodithanam, Changanacherry and Chingavanam Police Station. Excise Range and Circle Changanacherry, Railway Police Station, Changanacherry.
2. Shri Sudhakanth, R., JMFC-I, Vaikom	1st and 2nd class jurisdiction over the area comprised within the limits of Vaikom, Vellore, Kaduthuruthy & Thalayolaparambu Police Stations. Excise Range, Vaikom & Kaduthuruthy.

(Sd.)

Chief Judicial Magistrate.